UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.146
21 February 2001

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-sixth session

# CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

## Concluding observations of the Committee on the Rights of the Child

## Lithuania

1. The Committee considered the initial report of Lithuania (CRC/C/11/Add.21), received on 24 November 1998, at its 683rd and 684th meetings (see CRC/C/SR.683 and 684), held on 9 January 2001 and adopted* the following concluding observations.

### A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/LIT/1). The Committee notes with appreciation the high level and multidisciplinary character of the delegation from the State party and welcomes its positive reactions to the suggestions and recommendations made during the discussion.

### B. Positive aspects

3. The Committee notes with appreciation the recent adoption of new laws, in particular the new Civil Code, with its new section on "Family Law", adopted in July 2000; the new Penal Code, with its sections on the criminal responsibility of juveniles and on offences against the

* At the 697th meeting, held on 26 January 2001.

child and the family, adopted in September 2000; and the Law on the Controller for the Protection of the Rights of the Child (Children's Ombudsman) of the Republic of Lithuania of May 2000. Further, it takes note of the adoption of the Law on the Amendment to the Law on State Benefits to Families with Children of 1997 and the Law on Child Care of 1998.

4. The Committee takes note of the National Service for the Protection of the Rights of the Child established under the Ministry of Social Security and Labour and the Services for the Protection of Children's Rights established in every municipality in Lithuania. Further, it notes the Council for Children's Affairs established under the jurisdiction of the President of the Republic of Lithuania to advise on the various institutions working in the field of child rights.

5. The Committee welcomes the appointment of the Children's Ombudsman who, inter alia, will monitor the implementation of children's rights in accordance with the Convention and investigate the individual complaints of violations of children's rights caused by the acts or omissions of authorities at the national and local levels from non-governmental organizations and individuals.

6. The Committee notes with appreciation the reform of the juvenile justice system and the measures taken to prevent juvenile delinquency in the context of the Programme on Juvenile Justice Reform and the National Programme against the Commercial Sexual Exploitation and Sexual Abuse of Children of 2000.

7. The Committee welcomes the establishment of the Schoolchildren's Parliament in the context of the Year of the Youth, and notes that some of its members are actively collaborating with working groups under the Ministries of Education and Science in the discussions on and preparation of legislation and programmes relating to children and youth.

### C. Factors and difficulties impeding the implementation of the Convention

8. The Committee recognizes that the transition to a market economy after independence in 1991 mainly affected families with children, thus impeding the full implementation of the Convention.

### D. Subjects of concern and recommendations

#### 1. General measures of implementation

**Legislation**

9. The Committee notes that the implementation of some provisions of the Law on the Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania of 1996 required the adoption of new specific laws and is concerned these laws have not yet been enacted.

**10. The Committee recommends that the State party expeditiously enact the laws necessary to fully implement the Law on the Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania of 1996. It further encourages the State party to**

**take the necessary steps to ensure that all its legislation is fully in conformity with the principles and provisions of the Convention.**

**Coordination**

11. The Committee is concerned at the absence of a focal point for children within the Government and of mechanisms, both at the central and local levels, for coordinating policies relating to children and for supervising and evaluating the implementation of the Convention. Further, while taking note of the particular structure of the Council for Children's Affairs under the President of the Republic of Lithuania, it expresses its concern that the Council is not being adequately used as a tool to strengthen the implementation of the Convention.

**12. The Committee recommends that the State party consider establishing a focal point for children within the Government, which would be in charge of coordinating the work of the various ministries and that of the central and local authorities, in order to establish a better coordinated policy and action for the realization of children's rights, including stronger cooperation with non-governmental organizations. Further, the Committee recommends that the State party use the Council for Children's Affairs as a tool to strengthen the implementation of the Convention.**

**Allocation of budgetary resources**

13. The Committee, while noting that the State party has been taking children's rights into consideration, both at the national and the municipal level, in a more structured way, is nevertheless concerned that a large number of families with children who live in poverty do not have enough support. Further, it notes that child-related programmes are not clear priorities in the State budget. It also expresses its concern that the appropriate financial and human resources have not yet been allocated for the implementation of the Law on the Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania of 1996.

**14. In light of article 4 of the Convention, the Committee recommends that, the State party undertake a study on the impact of the Government's budgetary resources allocated for children and their families in order to assess their effectiveness and to develop a comprehensive strategy to ensure the full implementation of the economic, social and cultural rights of children to the maximum extent of available resources, in particular at the local level and with respect to children belonging to the most vulnerable groups in society. The Committee further encourages the State party to clearly identify its priorities with respect to child rights issues and to identify the amount and proportion of the budget spent on children at the national and local levels in order to evaluate the impact of the expenditures on children. It also recommends that the State party allocate appropriate financial and human resources for the full implementation of the Law on the Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania of 1996.**

**Data collection**

15. The Committee is concerned at the lack of a comprehensive system for the collection of disaggregated data for all areas covered by the Convention and in relation to all groups of

children. Such data are needed to monitor and evaluate the progress achieved in the implementation of the policies adopted with respect to children and to assess their impact.

**16. The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children victims of abuse, neglect, or ill-treatment; children with disabilities; children belonging to minorities; refugee and asylum-seeking children; children in conflict with the law; working children; adopted children; children living in the streets and in rural areas; and missing children. It further encourages the State party to use the indicators and data in the formulation of policies and programmes for the effective implementation of the Convention.**

**Dissemination of the principles and provisions of the Convention**

17. The Committee, while acknowledging the efforts of the State party in training professionals working with and for children, nevertheless notes with concern that the principles and provisions of the Convention are not disseminated at all levels of society, notably in rural areas and among children.

**18. In light of article 42, the Committee recommends that the State party strengthen its efforts to develop more creative methods to promote the Convention, including through audiovisual aids, such as picture books and posters, at all levels of society and in particular for children. The Committee also recommends that the State party continue in its efforts to provide adequate and systematic training and/or sensitization of professionals groups working with and for children such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel. The State party is encouraged to fully integrate the Convention into the curricula at all levels of the educational system.**

## 2. General principles

**General principles**

19. The Committee is concerned that the principles of non-discrimination (art. 2 of the Convention), best interests of the child (art. 3) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and political, administrative and judicial decisions, as well as in its policies and programmes relevant to children both at the national and the local level.

**20. The Committee recommends that the State party continue to strengthen its efforts to integrate the general principles of the Convention, in particular the provisions of articles 2, 3 and 12, in all relevant legislation concerning children, and to apply them in all political, judicial and administrative decisions and in projects, programmes and services which have an impact on all children. These principles should guide planning and policy-making at every level as well as actions taken by social welfare institutions, courts of law and administrative authorities.**

**Non-discrimination**

21. The Committee expresses its concern at the fact that the principle of non-discrimination is not being fully implemented for children living in vulnerable families and in institutions, children with disabilities, Roma children, refugee and asylum-seeking children and children living in rural areas, in particular with regard to their access to adequate health and educational facilities.

**22. The Committee recommends that the State party collect disaggregated data and other information in order to identify discrimination against children, in particular those belonging to the above-mentioned vulnerable groups, with a view to developing comprehensive strategies aimed at ending all forms of discrimination.**

## 3. Civil rights and freedoms

**Right to a nationality**

23. The Committee notes with concern that children born to stateless persons who have no right of permanent residence in Lithuania do not automatically obtain Lithuanian citizenship.

**24. In light of article 7 of the Convention, the Committee encourages the State party to take all appropriate measures to ensure that all children born in Lithuania are protected from statelessness.**

**Corporal punishment**

25. The Committee expresses its concern at the widespread use of corporal punishment, in particular within the family and in institutions, due to the generally tolerant attitude towards this practice. Further, it notes the lack of data and information available on this topic.

**26. In light of articles 19, 28 (2) and 37 of the Convention, the Committee recommends that the State party adopt appropriate legislative measures to explicitly prohibit the use of any form of corporal punishment within the family. It also encourages the State party to develop measures to raise awareness on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice. The State party should promote alternative forms of discipline in families, schools and other institutions, administered in a manner consistent with the child's dignity and in conformity with the Convention. The Committee also recommends that the ban on corporal punishments in schools and other institutions be enforced.**

**Access to appropriate information**

27. The Committee is concerned that children are not adequately protected from the violence and pornography increasingly being shown on television, in video films and in other media. Also, while noting that there is State support, including through tax reduction, for the publication and sale of books, it nevertheless notes with concern that not enough programmes and books for children are being produced and disseminated in the country.

**28. In light of article 17 of the Convention, the Committee encourages the State party to further enforce appropriate guidelines and legislation for the protection of the child from information and material injurious to his or her development, in particular violence and pornography, such as the Law on the Provision of Information to the Public of 1996. It further recommends that the State party reinforce measures to encourage the production of programmes and books for children and disseminate them throughout the country, in particular in rural areas.**

## 4. Family environment and alternative care

### Children deprived of family environment

29. The Committee notes with deep concern that, owing to the inadequacy of social assistance and the lack of alternatives, an increasing number of children from poor families are being placed in institutions.

**30. In light of articles 18 and 26 of the Convention, the Committee encourages the State party to further strengthen comprehensive measures to support parents, in particular those living in rural areas, in their efforts to raise their children, for instance by increasing various forms of social assistance to families, including counselling services, or by securing day-care services and facilities.**

### Child abuse and neglect

31. Noting that for a long period issues such as abuse and neglect of children were not recognized as problems and that deprivation of parental rights was the only legal way of protecting a child from abuse and violence within the family, the Committee expresses its concern about the lack of data, appropriate measures, mechanisms and resources to prevent and combat all forms of child abuse and other forms of domestic violence.

**32. In light of article 19 of the Convention, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, to enable it to understand the extent, scope and nature of these practices, adopt adequate measures and policies and thereby contribute to changing attitudes. The Committee notes that while such measures are included in the new Civil Code, it is not yet in force. It recommends that the State party ensure that cases of domestic violence and ill-treatment and abuse of children, including sexual, are properly investigated within a child-friendly inquiry and judicial procedure in order to guarantee better protection of child victims, including their right to privacy. All necessary measures should be taken to make sure that placement of children outside their family only occurs when it is evidently in the best interests of the child and for the shortest period possible. Measures should also be taken to ensure the provision of support services to children in legal proceedings and the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention.**

**Adoption and foster care**

33. While noting the Law on the Care of Children of 1998, the establishment in 2000 of an adoption agency and the increase, albeit slow, in the number of children living in foster families, the Committee is nevertheless concerned at the significant number of children who have to live in orphanages and institutions and at the small number of children living in foster families because of economic problems and insufficient support from the State. Further, it notes with concern the large number of children involved in intercountry adoption, some of them without legal protection.

**34. In light of article 21 and other related provisions of the Convention, the Committee recommends that the State party fully implement the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. Further, in light of articles 20 and 25, it recommends that the State party continue to undertake measures to facilitate the creation of an adequate foster care system by providing sufficient financial support.**

## 5. Basic health and welfare

**Health and health services**

35. While noting that the National Health Programme runs until the year 2005, the Committee expresses its concern at the high rates of child morbidity, in particular the increase in cases of tuberculosis, and the low rates of breastfeeding. Further, it notes that there is a high rate of child deaths due to traumas and accidents, in particular motor vehicle accidents, and that children are particularly vulnerable to the ill effects of contaminants in the soil and air. It also notes with concern the growing rates of suicide among children and youth.

**36. The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of all children, including measures aiming at a safe and healthy environment. Further, measures to raise awareness about and prevent deaths from accidents and suicide among children and youth should be taken and enforced.**

**Children with disabilities**

37. The Committee expresses its concern about the fact that children with disabilities living in rural areas do not have access to the same level of services and medicines as children living in other parts of the country and that not all medicines are available for free. Further, it is concerned at the large number of children with disabilities who are institutionalized and the general lack of resources and specialized staff for children with disabilities.

**38. The Committee recommends that the State party allocate the necessary resources for programmes, medicines, trained staff and facilities for all children with disabilities, especially the ones living in the rural areas, and develop community-based programmes in order to allow children to stay at home with their families. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities**

**(General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (see CRC/C/69), it is also recommended that the State further encourage their integration into the educational system and their inclusion into society.**

**Adolescent health**

39. The Committee, while noting progress made in this area, nevertheless expresses its concern at the increase of cases of sexually transmitted diseases (STDs) and HIV/AIDS, at the growing abuse of alcohol and tobacco and at the frequency of unplanned pregnancies and abortions among youth. Further, it notes the limited availability of programmes and services in the area of adolescent health including mental health, in particular treatment and rehabilitation programmes, and of prevention and information programmes, especially on reproductive health, at school.

**40. The Committee recommends that the State party continue to increase its efforts to promote adolescent health, including mental health and reproductive health, and to develop a programme for the systematic sexual education of adolescents at school. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to determine the scope of adolescent health problems, including the negative impact of STDs, HIV/AIDS and alcohol abuse, in order to develop adequate policies and programmes. It is also recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular reproductive health education, and to develop youth-friendly counselling, care and rehabilitation facilities that are accessible without parental consent, when this is in the best interests of the child.**

**Adequate standard of living**

41. The Committee is concerned that a large number of families, in particular those with three or more children, and single women with children live under the subsistence level and that this problem is predominant in rural areas.

**42. In light of articles 3, 4, 6, 26 and 27 of the Convention, the Committee encourages the State party to take all appropriate measures, such as the adoption and enforcement of the Programme of Assistance to Families Raising Children, to the maximum extent of its available resources and in particular at the local level, to support families in a difficult economic and/or social situation in order to ensure to the maximum extent possible the survival and development of all children living in Lithuania, without discrimination.**

## 6. Education, leisure and cultural activities

**Education**

43. The Committee notes with concern the small number of children attending pre-school education and the high number of children dropping out of school.

**44. In light of article 28 of the Convention, the Committee recommends that the State party continue taking appropriate measures to ensure regular attendance at school and to reduce dropout and ensure the implementation of the new measures taken to increase participation in pre-school education.**

**Leisure and cultural activities**

45. The Committee notes with concern that the State party did not give adequate consideration to the rights of children to rest and leisure, to engage in play and recreational activities appropriate to their age, and to participate freely in cultural life and the arts.

**46. In light of article 31 of the Convention, the Committee recommends that the State party pay adequate attention to planning leisure and cultural activities for children, taking into consideration the physical and psychological development of the child.**

## 7. Special protection measures

**Children applying for asylum**

47. The Committee notes with concern that children applying for asylum do not have access to adequate specific medical and psychological care, specific legal support and education. Further, it notes that unaccompanied minors applying for asylum are not separated from adults in refugee centres.

**48. In light of articles 22 and 39 of the Convention, the Committee recommends that the State party ensure that children applying for asylum have adequate living conditions and access to health and education.**

**Substance abuse**

49. The Committee is concerned at the reported increasing use of drugs, including psychotropic substances, among children and adolescents in the State party, in particular those living in the street. Further it notes that the present welfare service system is unable to deal with the growing need for services.

**50. The Committee recommends that the State party undertake studies on the abuse of drugs among children and adolescents, in particular those living in the street, with a view to understanding the extent, scope and nature of these practices, adopting adequate measures and policies and changing attitudes. Further, it encourages the State party to pursue awareness raising and preventive measures, including drug education in schools. It further recommends that the State party allocate more resources for treatment and rehabilitation services specifically tailored for children and adolescents.**

**Children living in the streets**

51. The Committee expresses its concern at the number of children living and working in the streets and notes that the programmes and mechanisms established to assist them are not sufficient.

**52. The Committee recommends that the State party support existing mechanisms to ensure that children living in the streets are provided with food, clothing, housing, health care and education, including vocational and life-skills training. Moreover, the State party should ensure that these children are provided, whenever necessary, with rehabilitation services for physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with their families.**

**Trafficking and commercial sexual exploitation**

53. The Committee, while noting the National Programme against the Commercial Sexual Exploitation and Sexual Abuse of Children of 2000, expresses its deep concern at the lack of data, consistent policies, rehabilitation and reintegration programmes, and the reports of disappearances of minors, in particular girls, allegedly for trafficking purposes. Further, it notes that procuration for the purpose of prostitution is punished only in cases involving girls and that some legal provisions result in the administrative punishment of children involved in commercial sexual exploitation.

**54. The Committee recommends that the State party fully implement the National Programme against the Commercial Sexual Exploitation and Sexual Abuse of Children of 2000, in particular its rehabilitation and reintegration aspects. Further, it encourages the State party to abolish every legal provision that results in administrative or other punishment of the victims, of commercial sexual exploitation and to prevent other forms of stigmatization of the victims, and to penalize procuration for the purposes of prostitution involving all children, boys as well as girls.**

**Administration of juvenile justice**

55. The Committee, while noting the Juvenile Justice Programme, is nevertheless concerned that the juvenile justice system is not fully in compliance with the Convention and that the juvenile crime rates and the number of criminal juvenile offenders are increasing. In particular, the Committee expresses its concern at reports of juvenile offenders spending long periods in pre-trial detention because the justice system is overloaded, and at the fact that there are no programmes for their rehabilitation and reintegration into society.

**56. The Committee recommends that the State party continue reviewing its law and practices regarding the juvenile justice system in order to bring it into full compliance with the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), with a view to ensuring child-friendly practices by the police and at all levels of the juvenile justice**

**system. Further, it encourages the State party to continue supporting the Juvenile Justice Programme, in particular its preventive aspect, with adequate financial and human resources, including professionals such as social workers and psychologists.**

**57. Further, the Committee reminds the State party that juvenile offenders should be dealt with without delay and that pre-trial detention should not be longer than the period prescribed by law and should be used only as a measure of last resort. Alternative measures to prevent pre-trial detention should be used whenever possible. The Committee recommends that the State party incorporate into its legislation and practice the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in particular with a view to guaranteeing them access to effective complaints procedures covering all aspects of their treatment, and take appropriate rehabilitative measures to promote the social reintegration of the children involved in the juvenile justice system. Finally, the Committee recommends that the State party seek assistance from, among others, the Office of the High Commissioner for Human Rights, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice, and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.**

**Optional protocols**

**58. The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

## 9. Dissemination of reports

**59. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**

---